UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD BROWN,

      Petitioner,   Case No. 5:09-cv-11655

v.   Hon. John Corbett O'Meara

                                            United States District Judge

NICK LUDWICK,

      Respondent.

_____/

ORDER DENYING PETITIONER'S THIRD MOTION FOR RELEASE ON BOND (Dkt. #36)

Petitioner Ronald Brown has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court is Petitioner's third motion seeking to be released on bond pending the decision on his petition.

To receive bond pending a decision on the merits of a habeas corpus petition, a petitioner must show a substantial claim of law based on the facts surrounding the petition and the existence of "some circumstance making the [motion for bond] exceptional and deserving of special treatment in the interests of justice." *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990). "There will be few occasions where a prisoner will meet this standard." *Dotson*, 900 F.2d at 79. Where the court finds no substantial claim that the petitioner is confined in violation of the Constitution, it need not reach the issue of whether exceptional circumstances exist which deserve special treatment in the interest of justice. *Id.* Because a habeas petitioner "is appealing a presumptively valid state conviction . . . it will indeed be the very unusual case where a habeas petitioner is admitted to bail prior to a decision on the merits in the habeas case." *Lee v. Jabe*, 989 F.2d 869, 871 (6th Cir. 1993).

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Petitioner's motion fails to establish the existence of any extraordinary and exceptional circumstances which merit release on bond. Therefore, the Court denies the motion.

Accordingly, **IT IS ORDERED** that Petitioner's motion for bond [dkt. #36] is **DENIED.**

                                                   s/John Corbett O'Meara
                                                   United States District Judge
Date: July 23, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 23, 2013, using the ECF system and/or ordinary mail.

                                                   s/William Barkholz
                                                   Case Manager